



State of New Hampshire Department of Safety

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November 21, 2008

To: NH facilities using or storing reportable quantities (per federal requirements) of Hazardous Materials

Re: Reporting requirements and Tier II submissions

Dear Facility Representative:

As a NH facility that uses or stores potentially reportable quantities of hazardous substances as part of your business, it is important for you to know the importance and requirements of statutory reporting, and the consequences for not doing so. While a lot of this information may seem redundant to those of you who are familiar with the Emergency Planning and Community Right-to-Know Act (EPCRA), we hope to get everyone on the same page when it comes to this very important program.

What is the EPCRA?

The Emergency Planning and Community Right-to-Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 establishes requirements for emergency planning and allows the public to gain more knowledge and access to information on chemicals considered hazardous and/or toxic at individual facilities, what those chemicals are used for, and potential and actual releases into the environment. Working in collaboration, states, communities, and facilities can use this information to improve chemical safety and protect public health and the environment.

There are a number of provisions to the EPCRA, each having different requirements dealing with: emergency response plans (Sections 301 to 303); accidental releases (Section 304); Material Safety Data Sheets (MSDS) (Section 311); chemical inventory reporting (Section 312); and toxic chemical release inventories (Section 313).

More information on the EPCRA and related provisions can be found at:

<http://www.epa.gov/osweroel/content/lawsregs/epcraover.htm>

Why is reporting the chemicals our company uses or stores important?

The information you report on the chemicals your company uses or stores is used by emergency responders for proper handling in the event of an incident at your facility. It is also important for your employees to be familiar with the chemicals and know how to safely work with them. In addition, this information helps the community prepare for and mitigate disasters.

You are strongly encouraged to obtain up-to-date MSDS's for each chemical you use or store and to verify the information. Inaccurate information on a chemical's health hazards or properties will affect how that chemical is treated in the event of an emergency, and may cause damage to, or loss of, life and limb. In accordance with NH RSA 154:8-a, the company responsible for the hazardous material incident is liable for costs incurred during response and clean-up.

The full text of the RSA can be read at:

<http://www.gencourt.state.nh.us/rsa/html/XII/154/154-8-a.htm>

How do I know what chemicals/substances to report?

For any chemical not classified as an Extremely Hazardous Substance (EHS), you need to report it if an MSDS is required and you have 10,000 pounds (roughly 1,500 gallons of many liquid products) of the substance. This includes the aggregate amount found in mixtures and/or in multiple locations. It is important to know that MSDS chemicals above the reportable quantities need to be reported regardless of the wording on the MSDS (i.e., it may say that it does not need to be reported).

For chemicals classified as EHS, the reportable quantity is 500 pounds, or the listed Threshold Planning Quantity (TPQ) for that chemical, whichever is less. In addition, if you exceed the TPQ of an EHS, an emergency plan needs to be developed, exercised, and reviewed annually.

The following table illustrates the different Sections of the EPCRA, what the reporting requirements are for that Section, and who receives the reports.

SECTION	COVERAGE/ TOPIC	REQUIREMENT	RELEVANT CHEMICAL LIST	THRESHOLDS	SUBMIT TO:
301-303	Emergency Planning	LEPC Emergency Plan, EHS Notification	356 Extremely Hazardous Substances	Specified Threshold Planning Quantities (TPQ: 1 - 10,000 #)	ACEPS* LEPC^
304	Emergency Notification	Accidental Release Reporting	EHS and CERCLA 102(a) Substances	Specified Reportable Quantities	ACEPS LEPC
311	Hazardous Chemical Inventory	MSDS's or List of Chemicals	OSHA Hazardous Chemicals (No Specific List)	10,000 #; or, if EHS, 500 #, or TPQ - whichever is lower	ACEPS LEPC Local Fire Dept.
312	Hazardous Chemical Inventory	Inventories, Hazards, and Locations (Tier I or II)	OSHA Hazardous Chemicals (No Specific List)	10,000 #; or, if EHS, 500 #, or TPQ - whichever is lower	ACEPS LEPC Local Fire Dept.
313	Toxic Chemical Release Reporting	Total Annual Release, Waste Management, & Source Reduction Data - PPA (Form R)	Over 600 Toxic Chemicals and Chemical Categories	25,000 # manufactured or processed; 10,000 # otherwise used	EPA State

* ACEPS = Advisory Council on Emergency Preparedness and Security ^ LEPC = Local Emergency Planning Commission

More specific information on Extremely Hazardous Substances and their thresholds, the Reporting Quantities for spill notifications, and chemicals reportable under the Toxic Chemicals Release Reporting requirements is available in the U.S. Environmental Protection Agency's (EPA's) Title III "List of Lists."

A searchable List of Lists is available at:

<http://yosemite.epa.gov/oswer/lol.nsf/homepage>

A PDF version of the List of Lists is available at:

http://www.epa.gov/osweroe1/docs/chem/title3_Oct_2006.pdf

How, when, and where do I need to file my reports?

Your **Tier II report** needs to be sent to the Local or Regional Emergency Planning Commission (LEPC/REPC) and Fire Department for the town(s) in which your facility is located. (You can find your local LEPC at: <http://yosemite.epa.gov/oswer/lepcdb.nsf/HomePage?openForm>.) In addition, it needs to be sent to the NH Advisory Council on Emergency Preparedness and Security (ACEPS) on or before March 1 following the end of the Reporting Year (RY) (January to December). For the 2008 RY, all submissions should be made to the SERC electronically using the EPA's Tier 2 Submit software; *paper submissions will not be accepted*.

The program can be downloaded at:

<http://www.epa.gov/osweroe1/content/epcra/tier2.htm>

*It is important to note that you need to download the Tier 2 Submit program each year because the EPA releases a new version annually.

If you need assistance with preparing your Tier II report or with the Tier 2 Submit program, please contact Danielle Morse of NH Homeland Security and Emergency Management at (603) 271-2231.

Your submissions should be sent to the ACEPS via e-mail (.zip or .t2s format only): NHTier2@hsem.nh.gov or mailed on CD or floppy diskette to:

NH Homeland Security and Emergency Management
Title III Program
33 Hazen Drive
Concord, NH 03305

Your **Toxic Release Inventory (TRI)** report (EPA Form R or Form A) is due on or before July 1 following the end of the Reporting Year (RY).

Because paper TRI submissions will no longer be accepted in 2009, you are encouraged to try the new Toxic Release Inventory-Made Easy (TRI-ME) Web program now. This is a dynamic, web-based program and will make the need for paper forms obsolete. A current report will automatically be created based on last year's data, built-in data quality checks will ensure the information you enter is valid, and you will be able to view and work with data from previous years. It takes the guesswork out of filling out

your form by removing those sections which do not apply to you. More information on TRI-ME can be found at:

<http://www.epa.gov/tri/report/software/#register>

Information about scheduled Tier II and TRI workshops presented by the EPA is attached to this letter. We are encouraging you or another facility representative to attend one of these workshops in order to receive important information about the programs, and to get any questions you may have answered.

What happens if I do not report on time or at all, or if I do not list all of the reportable chemicals that I have?

Your facility is in violation of a federal requirement and can be subject to fines of up to \$32,500.00 per day.

Where can I get additional information?

Danielle Morse
Title III Program
NH Homeland Security and
Emergency Management
(603) 271-2231
danielle.morse@hsem.nh.gov

Les A. Cartier
NH Fire Marshal's Office
(603) 271-3294
leslie.cartier@dos.nh.gov

Some additional links:

US Environmental Protection Agency:
<http://www.epa.gov/>

NH Homeland Security and Emergency
Management:
<http://www.nh.gov/safety/divisions/bem/>

General information on the TRI Program:
<http://www.epa.gov/tri/triprogram/whatis.htm>

NH Fire Marshal's Office:
<http://www.nh.gov/safety/divisions/firesafety/>

As Director of New Hampshire Homeland Security and Emergency Management and member of the Advisory Council on Emergency Preparedness and Security, I cannot over-emphasize the importance of the information that you provide under the EPCRA. Your efforts allow us to continue to keep our citizens safe from the potential effects of any hazardous materials releases.

Sincerely,



Christopher M. Pope
Director, NH Homeland Security and
Emergency Management

Attachment

November 2008

Dear Facility Owner/Operator:

The U.S. Environmental Protection Agency (EPA), the New Hampshire State Emergency Response Commission (SERC) and Local Emergency Planning Committees (LEPCs) invite you to a **free half-day** Emergency Planning and Community Right-to-Know Act (EPCRA) compliance assistance workshop. EPCRA places various planning and reporting requirements on businesses and industries that store and/or use certain chemicals and materials. EPCRA requires facilities having such chemicals, with quantities as low as one pound, to submit annual chemical inventory (Tier 2) reports. For calendar year 2008, the reporting deadline is March 1, 2009.

Workshop topics include:

- who needs to file Tier 2 reports;
- how to file Tier 2 reports electronically;
- recent changes on reporting hazardous chemicals in mixtures; and,
- recent changes to the Tier 2 reporting form.

We hope you can attend one of the workshops listed below to understand how the SERC and your LEPC can help you with your chemical reporting and planning obligations under EPCRA. EPCRA is an important program developed to help protect your business, your employees and your community should a chemical incident occur. And it better prepares emergency response personnel to handle an incident should one occur. Let us help you to make your community a safer place. EPA continues to support the SERC, LEPCs and your local emergency responders through an active enforcement program. Please note that failure to report under EPCRA can result in penalties of up to \$32,500 per chemical violation, per day.

- **8:00 AM – noon ... Thursday, December 11, 2008** Town & Country Motor Inn, RR 2, Gorham/Shelburne, NH
<http://www.townandcountryinn.com/directions.html>
- **9:00 AM – 1:00 PM ... Tuesday, February 3, 2009** Manchester City Library Auditorium, 405 Pine St., Manchester, NH
<http://216.204.202.157/website/library/VisitUs/Directions/tabid/778/Default.aspx>

To find out about other Tier 2 workshops in New England go to EPA's web calendar at www.epa.gov/region01/cal For general EPCRA information, please call the EPCRA Hotline at 800-424-9346. For information on Tier 2 reporting requirements visit www.epa.gov/emergencies/content/epcra/tier2.htm#tierii

New Hampshire EPCRA Workshop Registration

Deadline: Please register **No Later Than One Week Prior** to the applicable workshop date.

Name: _____ Company: _____

Address: _____

Phone: _____ Fax: _____

E-Mail: _____

Workshop Dates:

*Check One... () Thu 12/11/08 Gorham/Shelburne, NH () Tue 2/3/09 Manchester, NH
Please Fax to: Nicholas Leonardi at (617) 918-0636 or Email to: leonardi.nicholas@epa.gov

Please Note: You WILL NOT receive a confirmation of your registration.